

REMARKS

In the Office Action, the Examiner rejected claim 9 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 1-30, 37, 46, and 48 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,081,611 to Linford et al. ("Linford") in view of the Proactiv website (http://web.archive.org/web/20010521145551rn_1/www.proactiv.com/index.php) ("Proactiv"); and rejected claims 31-36, 38-45, and 47 under 35 U.S.C. § 102(b) as being anticipated by Linford.

Applicants have amended claims 1, 9, 32, and 48. Claims 1-48 are currently pending. Based on the foregoing amendments and the following remarks, Applicants respectfully traverse the rejections of the pending claims.

A. § 112, Second Paragraph, Rejection of Claim 9

The Examiner rejected claim 9 under 35 U.S.C. § 112, second paragraph, "as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." Office Action at 3. "[T]he Examiner believes that the term 'database' should not have been deleted, but the term 'information' which follows the term 'database'" Id. Applicants have amended claim 9 as suggested by the Examiner. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 112, second paragraph, rejection of claim 9.

B. § 103 Rejection of Claims 1-30 and 48 Based on Linford and Proactiv

Applicants respectfully submit that the Office Action fails to establish a prima facie case of obviousness with respect to claims 1-30 and 48 for at least the reason that Linford and Proactiv, taken alone or in combination, fail to teach or suggest every claim

element recited in claims 1-30 and 48. Amended independent claim 1 recites, among other things, “generating, based on both . . . received representation and information contained in [a] database, at least one prognosis reflecting predicted changes in [an] external body condition after use of said at least one beauty product.” The Examiner asserted that Linford discloses the recited features in column 1, lines 43-47. Office Action at 4. Applicants respectfully disagree.

Linford discloses “an aesthetic imaging system . . . for use in **editing digital images**.” Linford, Abstract. (emphasis added). “[An] imaging program [of the aesthetic imaging system] includes a unique combination **draw tool** that includes a freehand draw mode, a curve mode and an undo mode that are available without cycling through menus.” Id. (emphasis added). Thus, rather than generating at least one prognosis reflecting predicted changes **based on information contained in a database**, Linford provides an image editing tool to a physician so that the physician can **manually edit** a preoperative image during **a consultation with a patient** in attendance. Linford, col. 1, lines 51-53. This allows “[a] cosmetic surgeon [to] more readily understand what patients hope to achieve by a cosmetic surgical procedure [and allows] patients [to] view a detailed visual representation of predicted results, including both the benefits and limitations of the procedure.” Linford, col. 1, lines 43-47.

Moreover, as the Examiner correctly admitted, “Linford . . . fails to disclose maintaining, in a database, information of how use of at least one beauty product affects evolution of the external body condition.” Office Action at 4. The Examiner’s admission further strengthens the argument that the “detailed visual representation of predicted results” of Linford is not based on information contained in a database.

The Examiner asserted that “Proactiv discloses how the use of a beauty product affects the evolution of an external body condition, wherein the information is stored in a database” and thus purportedly discloses the “maintaining, in a database . . .” claim element recited in amended independent claim 1. Office Action at 4. However, even if Linford and Proactiv can be combined in a manner suggested by the Examiner (a notion that Applicants dispute), nothing in Linford or Proactiv discloses or suggests that the information in a database is used, in any way, to generate at least one prognosis reflecting predicted changes in an external body condition after use of one or more beauty products.

For at least the reasons set forth above, Linford and Proactiv, taken alone or in combination, fail to disclose “generating, based on both . . . received representation and information contained in [a] database, at least one prognosis reflecting predicted changes in [an] external body condition after use of said at least one beauty product,” as recited in amended independent claim 1. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103 rejection of amended independent claim 1 based on Linford and Proactiv.

Amended independent claim 48, although of different scope, recites features that are similar to the features recited in amended independent claim 1. For reasons similar to those set forth with respect to claim 1, Linford and Proactiv, whether taken alone or in combination, fail to support the § 103 rejection of claim 48. Accordingly, Applicants respectfully request consideration and withdrawal of § 103 rejection of claim 48 based on Linford and Proactiv.

Claims 2-30 depend from amended independent claim 1. For reasons similar to those set forth with respect to claim 1 and by virtue of their dependence from an allowable independent claim, dependent claims 2-30 are also allowable over Linford and Proactiv. Accordingly, Applicants respectfully request reconsideration and withdrawal of § 103 rejection of claims 1-30 and 48 based on Linford and Proactiv.

C. § 102 Rejection of Claims 31-36, 38-45, and 47 Based on Linford

Applicants respectfully traverse the § 102(b) rejection of claims 31-36, 38-45, and 47 for at least the reason that Linford fails to disclose every claim element recited in claims 31-36, 38-45, and 47. Independent claim 31 recites, among other features, “a database for storing information on how use of at least one beauty product affects evolution of [an] external body condition,” and “a processor for modifying [a] representation, based on information contained in the database, to generate at least one prognosis reflecting predicted changes in the external body condition after use of said at least one beauty product.” The Examiner asserted that Linford discloses the recited features in column 5, lines 30-57. Office Action at 4. Applicants respectfully disagree.

Linford discloses “[a] processing unit . . . controlled by an operating system [and a] memory . . . connected to the processing unit” and that the memory “generally comprises . . . random access memory (RAM), read only memory (ROM), magnetic storage media such as a hard drive, floppy disk, or magnetic tape.” Linford, col. 5, lines 30-36. Linford also discloses “an image capture board . . . coupled to the processing unit . . . , a monitor . . . , video source . . . , and printer.” Linford, col. 5, lines 44-48. However, the Linford reference fails to even mention a “database” or

disclose any component for storing information on how use of at least one beauty product affects evolution of an external body condition. Thus, Linford fails to disclose “a database for storing information on how use of at least one beauty product affects evolution of [an] external body condition,” as recited in independent claim 31.

In addition, although Linford discloses a processing unit, the processing unit of Linford fails to modify a representation, **based on information contained in the database**, to generate at least one prognosis reflecting predicted changes in the external body condition after use of at least one beauty product. As explained above with respect to amended independent claim 1, Linford, rather than generating at least one prognosis reflecting predicted changes **based on information contained in a database**, provides an image editing tool to a physician so that the physician can **manually edit** a preoperative image during **a consultation with the patient** in attendance. Thus, Linford also fails to disclose “a processor for modifying [a] representation, based on information contained in the database, to generate at least one prognosis reflecting predicted changes in the external body condition after use of said at least one beauty product,” as recited in independent claim 31.

For at least the reasons set forth above, Linford fails to disclose every claim element recited in independent claim 31. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 102 rejection of amended independent claim 31 based on Linford.

Independent claims 32 and 47, although of different scope, recite features that are similar to the features recited in independent claim 31. For reasons similar to those set forth with respect to claim 31, Linford fails to support the § 102 rejection of claims 32

and 47. Accordingly, Applicants respectfully request reconsideration and withdrawal of § 102 rejection of claims 32 and 47 based on Linford.

Claims 33-36 and 38-45 depend from amended independent claim 32. For reasons similar to those set forth with respect to claim 32 and by virtue of their dependence from an allowable independent claim, dependent claims 33-36 and 38-45 are also allowable over Linford. Accordingly, Applicants respectfully request reconsideration and withdrawal of § 102 rejection of claims 33-36 and 38-45 based on Linford.

D. § 103 Rejection of Claims 37 and 46 Based on Linford and Proactiv

Claims 37 and 46 depend from independent claim 32. As explained above with respect to independent claim 32, Linford fails to disclose “means for maintaining, in a database, information of how use of at least one beauty product affects evolution of [an] external body condition,” and “means for generating, based on both the representation and information contained in the database, at least one prognosis reflecting predicted changes in the external body condition after use of said at least one beauty product,” as recited in amended independent claim 32.

Proactiv allegedly “discloses how the use of a beauty product affects the evolution of an external body condition, wherein the information is stored in a database.” Office Action at 4. Even if the allegation were true, Proactiv fails to teach or suggest “means for generating, based on both the representation and information contained in the database, at least one prognosis reflecting predicted changes in the external body condition after use of said at least one beauty product,” as recited in amended independent claim 32, and thus fails to cure the deficiencies of Linford.

For at least these reasons, Linford and Proactiv, taken alone or in combination, fail to support § 103 rejection of claims 37 and 46. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 103 rejection of claims 37 and 46 based on Linford and Proactiv.

E. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: January 8, 2008

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